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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/601,391

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Roger J. Leyden

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WOOD, PHILLIPS, KATZ, CLARK & MORTIMER
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SUITE 3800
CHICAGO, IL 60661

EXAMINER

LEE, GUIYOUNG

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 11/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/601,391	Applicant(s) LEYDEN ET AL.	
	Examiner Guiyoung Lee	Art Unit 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 13-24, 26-30 and 32-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 13-24, 26-30, and 32-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Prelim./Amdt.

1. Receipt is acknowledged of the amendment filed 07/25/2005.
2. Claims 1-11, 13-24, 26-30, and 32-35 are pending, and claims 12, 25 and 31 are cancelled.

Claim Rejections - 35 USC § 112

3. Claims 1-11, 13-24, 26-30, and 32-35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re claims 1, 4-6, 13-15, 18-21, 24, 27, 30, and 32-35: Claims 1, 4-6, 13-15, 18-21, 24, 27, 30, and 32-35 has the word "comprising twice. This is a limiting word between preamble and novelty. Claims 2-3, 7-11, 16-17, 22-23, 26, and 28-29 are necessarily rejected because of their dependency.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3 and 19-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Strickland (US 5,231,393).

Re claims 1-3 and 19-21: Strickland disclose a message system having a wall (90 in Fig. 4) including a blocking wall, a message generator, including a proximity sensor (a radar gun 84) to

detect the presence of object (vehicle), and the message is viewable from the first side of the wall. The message system has first and second states which generates a first message and a second message (the display board 90 has multiple stages of displaying a reading from a radar gun).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 7-11, 13, 16-17, 23-24, 28-29, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strickland (US 5,231,393) in view of Ghalayini (US 5,297,353).

Re claims 7-11, 23, and 35: Strickland's message is a number. Strickland does not disclose the message could be directional signs such as words, logo, a light source or a light beam. However, Ghalayini discloses the message is words or visual display and the message generator comprises a light source (64). It would have been obvious to one having ordinary skill in the art at the time of the invention to display words, logo, a light source or a light beam on the Strickland's message generator as Ghalayini taught because displaying words, logo, a light source or a light beam on the display screen is known in the art of display sign, and such substitution would be within the level of ordinary skill in the art.

Re claims 13 and 24: Strickland's mirrored surface has a flat shape. However, Ghalayini discloses a mirrored surface having a convex shape that is in the shape of a segment of a sphere

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(Fig. 7-8). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Strickland's flat mirrored surface into a convex shape which is a segment of a sphere in order to provide a display for producing rotating visual displays on the cylindrical display housing.

Re claims 16-17 and 28-29: Strickland discloses the message generator resides in the wall.

Allowable Subject Matter

9. Claims 4-6, 18, 30, and 32-33 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

10. Claims 2, 14, and 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. The following is a statement of reasons for the indication of allowable subject matter: With regard to claims independent claims 2, 4-6, 30, and 32-33, the prior art of record fails to disclose a message system having a wall and a message generator, configured as claimed, wherein the message generator have first and second states, and the message generator generate a message in different functionality as set forth in the claims. With regard to claims 14-15, 26-27, and 34, the prior art of record does not disclose a transmitter/generator carried by a wheeled vehicle or a user for directing a signal to a message generator. With regard to claim 18, the prior art of record does not disclose a message system having a wall and a message generator, configured as claimed, wherein the message system having a surveillance camera on the second

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side of the wall which is capable of creating an image of an object on the first side of the wall viewed by the camera through the wall.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Guiyoung Lee whose telephone number is 571-272-2374. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571-272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LGY



Sandra O'Shea
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